

NOV 01 2005**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS****NOT FOR PUBLICATION****UNITED STATES COURT OF APPEALS****FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROXANNE GONE, aka; Roxanne Blue
Horse,

Defendant - Appellant.

No. 05-30085

D.C. No. CR-04-00067-SEH

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Montana
Sam E. Haddon, District Judge, Presiding

Argued and Submitted October 21, 2005
Seattle, Washington

Before: B. FLETCHER and McKEOWN, Circuit Judges, and KING^{**}, Senior
Judge.

We have jurisdiction pursuant to 18 U.S.C. § 3742(a). In light of the record
and the advisory nature of the Sentencing Guidelines, we hold that insufficient

^{*} This disposition is not appropriate for publication and may not be cited
to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

^{**} The Honorable Samuel P. King, Senior United States District Judge
for the District of Hawaii, sitting by designation.

consideration was given to the factors listed under 18 U.S.C. § 3553(a) and that the six month sentence of incarceration was unreasonable. See United States v. Booker, 125 S.Ct. 738, 765-67 (2005).

We remand for entry of a sentence of incarceration for time served. All other aspects of the sentence remain intact.

SENTENCE VACATED IN PART and REMANDED